



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 22, 1999

David A. Archuleta, Treasurer  
Heather Wilson for Congress  
P.O. Box 14070  
Albuquerque, NM 87191

RE: MUR 4925

Dear Mr. Archuleta:

On September 14, 1999, the Federal Election Commission found that there is reason to believe that Heather Wilson for Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Stephanie Watson, the paralegal assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas  
Chairman

Enclosures

Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Heather Wilson for Congress and  
David A. Archuleta, as Treasurer

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Commission, as appropriate, and the Secretary of State of the appropriate state, of each contribution totaling \$1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

Ms. Wilson was a candidate in the Special General Election in the state of New Mexico held on June 23, 1998. Pursuant to the Act, the respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from June 4, 1998 to June 20, 1998, within 48 hours of their receipt. The Reports Analysis Division reviewed the

Committee's Index of Disclosure Documents and identified several 48 Hour Notices for contributions received during this period.

The respondents failed to file seventy-one (71) 48 Hour Notifications totaling \$104,000 in contributions. The Reports Analysis Division sent out prior notice to the Committee on May 18, 1998. The Committee, however, did not submit any information indicating that these 48 Hour Notices were sent to the Commission within 48 hours of the contributions receipt. In the absence of such information, it appears that the Committee failed to submit seventy-one (71) 48 Hour Notifications for contributions totaling \$104,000.

Therefore, there is reason to believe that the Heather Wilson for Congress and David A. Archuleta, as treasurer, violated 2 U.S.C. §434(a)(6) by failing to report campaign contributions of 1,000 or more, received after the 20th day, but more than 48 hours before the special general election, within 48 hours of receipt of the contribution.